

**MINUTES OF THE
MARICOPA ASSOCIATION OF GOVERNMENTS
REGIONAL COUNCIL MEETING**

March 24, 2004
MAG Office, Saguaro Room
Phoenix, Arizona

MEMBERS ATTENDING

Mayor Wendy Feldman-Kerr, Queen Creek, Chair	Mayor J. Woodfin Thomas, Litchfield Park
Mayor Keno Hawker, Mesa, Vice Chair	Supervisor Max W. Wilson, Maricopa County
Mayor Douglas Coleman, Apache Junction	Mayor Edward Lowry, Paradise Valley
* Mayor Ron Drake, Avondale	* Mayor John Keegan, Peoria
* Mayor Dusty Hull, Buckeye	Mayor Phil Gordon, Phoenix
* Mayor Edward Morgan, Carefree	* President Joni Ramos, Salt River
* Vice Mayor Ralph Mozilo, Cave Creek	Pima-Maricopa Indian Community
Mayor Boyd Dunn, Chandler	* Mayor Mary Manross, Scottsdale
Mayor Robert Robles, El Mirage	* Mayor Joan Shafer, Surprise
Mayor Wally Nichols, Fountain Hills	* Mayor Neil Giuliano, Tempe
* Mayor Chris Riggs, Gila Bend	* Mayor Adolfo Gamez, Tolleson
* Governor Richard Narcia, Gila River Indian Community	## Mayor Lon McDermott, Wickenburg
Mayor Steven Berman, Gilbert	* Mayor Bryan Hackbarth, Youngtown
Mayor Elaine Scruggs, Glendale	## Rusty Gant, ADOT
# Vice Mayor Dick Sousa for	Joe Lane, ADOT
Mayor James Cavanaugh, Goodyear	F. Rockne Arnett, Citizens Transportation Oversight Committee
Mayor Vinicio Alvarez, Guadalupe	

* Those members neither present nor represented by proxy.
Attended by telephone conference call.
Attended by videoconference call.

1. Call to Order

The meeting of the Regional Council was called to order by Regional Council Chair Wendy Feldman-Kerr at 5:10 p.m.

2. Pledge of Allegiance

The Pledge of Allegiance was recited.

Chair Feldman-Kerr announced that Mayor Lon McDermott and Rusty Gant were participating via videoconference, and Vice Mayor Dick Sousa, as proxy for Mayor Jim Cavanaugh, was participating via telephone conference call.

Chair Feldman-Kerr stated that the RPTA has provided transit tickets for those who used transit to come to the meeting. She stated that garage parking validation was available from staff. Chair Feldman-Kerr noted that the addenda to the agenda and updated summary for agenda item #9, Legislative Update, were at each place.

3. Call to the Audience

Chair Feldman-Kerr noted that according to MAG's public comment process, members of the audience who wish to speak are requested to fill out public comment cards. The opportunity for public comment is provided to members of the public to address the Regional Council on items not scheduled on the agenda that fall under the jurisdiction of MAG, or on items on the agenda for discussion but not for action. Citizens will be requested not to exceed a three minute time period for their comments. A total of 15 minutes will be provided for the Call to the Audience agenda item, unless the Regional Council requests an exception to this limit. Those wishing to comment on agenda items posted for action will be provided the opportunity at the time the item is heard.

Chair Feldman-Kerr recognized public comment from J. Boggs, who thanked the Council for the opportunity to address them. Mr. Boggs stated that the lack of bus shelters is his concern. He noted that currently, 5,000 bus stops in the region are unsheltered. Mr. Boggs stated that he would be calling Regional Council members to set up appointments to discuss this issue. Mr. Boggs expressed his thanks and wished members a good meeting. Chair Feldman-Kerr thanked Mr. Boggs for his comments.

Chair Feldman-Kerr recognized public comment from Joseph Ryan, who stated that he has not been attending meetings lately. He indicated that it is a long drive for three minutes of public comment. Mr. Ryan commented on being told "it is not my shop" when he asks questions. He stated that quality of life is the issue. Mr. Ryan reported on a region outside of Tokyo that is making itself a good place for corporate headquarters to locate. He said that the problem for business executives in our region is transportation from home to the airport, because they like to get to the airport in a hurry. Mr. Ryan commented that people do not like to transfer, which is the problem with needing multiple modes of public transportation to get to a destination. Mr. Ryan commented that we are in competition with other areas where rapid transit takes a traveler right into the airport. Chair Feldman-Kerr thanked Mr. Ryan for his comments.

Chair Feldman-Kerr recognized public comment from Diane Barker, who stated that she used multimodal transportation that day. Ms. Barker stated that a spring training pamphlet is now on the buses, as Mr. Crowley has requested in the past. She commented that this demonstrates that sometimes things can be accomplished. Ms. Barker held up a pamphlet that she said was counterpoint to MAG's transportation plan. She said that our job is to educate the public so we get the best for our money. Ms. Barker announced a CTOC meeting is scheduled for March 31, 2004. She said the CTOC has received a directive from the Legislature to be the oversight for Maricopa County highways. If the half-cent sales tax passes, CTOC will have jurisdiction over transit. Ms. Barker commented on a new reform act for the open meeting law. She said that she thought MAG was moving in that direction. Chair Feldman-Kerr thanked Ms. Barker for her comments.

4. Executive Director's Report

Dennis Smith reported on reauthorization. The House Transportation and Infrastructure Committee marked up TEALU. He added that there is some expectation that MAG may see some MPO allocation provisions in the bill. The bill reflects a spending boost in new and discretionary programs; therefore, the overall amounts to be allocated to core programs will be less than 30 cents on the dollar compared to SAFETEA. Mr. Smith advised that high growth states and projects funded out of formula programs stand to lose the most.

Mr. Smith stated that MAG staff are working with Congressman Hayworth's office to add the particulate pollutant PM-10 to the CMAQ allocation formula. The strategy is to make this change in the bill before it is passed by the House or make the change in Conference Committee. Congressman Hayworth's staff are also coordinating with Congressman Bono's Office since this is an issue for California as well.

On February 4, 2004, MAG transmitted additional information to the Arizona Department of Environmental Quality to support the Governor's recommendation for an eight-hour ozone nonattainment area boundary and to support the exclusion of Pinal County Area A from the boundary. In December 2003, EPA had proposed adding Pinal County Area A. The new air quality modeling information from MAG indicates that Pinal County emissions do not and will not contribute to ozone pollution in this region. Mr. Smith noted that MAG received a letter of support from the Congressional delegation supporting the Governor's position of eight-hour ozone in Maricopa County, a copy of which was at each place.

Mr. Smith stated that the Desert Peaks Awards will be held in conjunction with the Annual Regional Council meeting on June 23, 2004 at the Arizona Club. He noted that sponsorships totaling \$7,000 have been received from Arizona Public Service, Salt River Project, Associated General Contractors, Mariscal Weeks, The Arizona Republic, Bank of America, and Kimley Horn and Associates. Mr. Smith stated that the nomination forms have been sent out. Mr. Smith stated that a special Desert Peaks award, the Summit Award, has been established for the Regional Transportation Plan (RTP).

Mr. Smith stated that as part of MAG's public outreach, MAG will be at the Chandler Fashion Center on March 20, 2004. MAG also hosted an informational booth at Sunday on Central on March 21st to educate people on the Regional Transportation Plan.

Mr. Smith stated that the Walk to End Domestic Violence is scheduled for April 24th. He announced that brochures were available at the meeting.

5. Approval of Consent Agenda

Chair Feldman-Kerr commented on agenda item #5H, Establishment of the MAG Regional Aviation System Plan Technical Advisory Committee. She said that it was her understanding that all MAG members are eligible voting members of the RASP Technical Advisory Committee. Also, that Williams Gateway is welcome to share its expertise with the RASP Technical Advisory Committee as a non-voting member.

Chair Feldman-Kerr stated that public comment is provided for consent items. Each speaker is provided with a total of three minutes to comment on the consent agenda. After hearing public comments, any member of the committee can request that an item be removed from the consent agenda and considered individually. Chair Feldman-Kerr stated that agenda items #5A through #5I were on the consent agenda.

Chair Feldman-Kerr recognized public comment from Mr. Ryan, who commented on agenda items #5D, #5H, and #5I. Mr. Ryan stated that the public should be involved in TIP amendments sooner in the process, before they are locked in. He stated that the placement of Loop 303 next to the Sun City West wall will impede ramp construction. For agenda item #5H, Mr. Ryan said a rapid transit system into the airport is needed. Another system beside the trolley car is needed to get people from outlying areas into downtown. Chair Feldman-Kerr thanked Mr. Ryan for his comments.

Chair Feldman-Kerr asked if there were requests to consider any of the consent items individually.

Vice Chair Hawker stated that he had two questions on agenda item #5I. He asked why MAG, instead of GPEC or similar regional economic development groups, would be compiling this type of data. Vice Chair Hawker said that his second question was how staff planned to obtain information considered proprietary. Rita Walton answered Vice Chair Hawker's first question by replying that the project would be not only an economic development tool, but also a tool to help reduce commuting trips by having wide high-bandwidth at homes and businesses to assist telecommuting efforts. She noted that in addition, a number of MAG communities are not members of economic development groups. Ms. Walton answered Vice Chair Hawker's second question by explaining that originally, the thought was to ask for roadway information, but staff realized that this was proprietary information. Ms. Walton stated that now, the project would identify connected buildings, their bandwidth and providers, similar to what is being done in the San Diego area with some success.

Vice Chair Hawker asked if some air quality credit might be received by developing a plan that encourages trip reductions and telecommuting. Mr. Smith explained that all large employers in Maricopa County are under the trip reduction ordinance and must meet trip reduction goals. He explained that employers could include telecommuting as a measure in their plans to assist them in meeting their goals.

Vice Chair Hawker asked how the expense of \$150,000 could be justified to say the project was worth the expense. Mr. Smith stated that the project's purpose is to make the region more attractive to creative class, knowledge-based workers. Vice Chair Hawker asked if it would make more sense to use the money to facilitate construction of additional wirelines instead of finding out if buildings have them or not. Ms. Walton replied that the Regional Community Network study was completed last year. Because of the high cost to implement the study's recommendations, only some of the tasks would be undertaken. She added that ADOT has incorporated some of the tasks into their work plan.

Vice Chair Hawker stated that he did not see how having a map of wired buildings would be beneficial; therefore, he would not support approving the project. Ms. Walton explained that the project would include not only the map of infrastructure, but also a Web site so that people considering a move to the region would be able to find a location that satisfies their criteria. The project would also provide an opportunity to cities to identify what they could do to enhance their capabilities. Vice Chair Hawker

commented that it seemed that realtors or leasing agents would already have this type of information. Ms. Walton said that they probably would have the information at a more local level. She indicated that having the information compiled at a regional level has never been done before. Vice Chair Hawker stated that it seemed realtors would know this in order to market a large building. Ms. Walton stated that the data could be beneficial to someone coming to this region by providing a starting point.

Chair Feldman-Kerr asked Ms. Walton to define the success that San Diego has experienced with their project. Ms. Walton explained that the MAG project would be on the Web, similar to San Diego's, where a list of wired buildings and contact information for leasing agents are posted.

Mayor Berman expressed his support for Vice Chair Hawker's position. He commented that the \$150,000 is, after all, tax money. Mayor Berman stated that if a prospective business comes into a community, it seems that real estate agents would certainly know of facilities with the appropriate wiring. He commented that someone in the private sector should be funding this type of data compilation, not MAG. Ms. Walton explained that the project is already included in the Work Program for \$150,000; however, staff thought that a lot of money could be saved by doing the work internally with \$50,000 set aside for consultant assistance.

Mayor Berman commented that it seemed that people who own buildings would want to make the building's capabilities known. He indicated that it seemed there could be a way to gather this data in a more cost effective way. Mr. Smith stated that this project in the Work Program called for a scoping effort by MAGTAG. Staff could have issued an RFP, but thought it would be better to demonstrate more fiscal responsibility by doing the work themselves. Mr. Smith explained that staff felt that they would be involved in the management throughout the project, anyway, so why not conduct the tasks themselves for less money and put \$100,000 back into the MAG pool. Mr. Smith indicated that the \$100,000 or \$150,000 could be put back in the pool if the Regional Council thought the project would not add value.

Supervisor Wilson suggested that agenda item #5I should be considered separately from the consent agenda. Chair Feldman-Kerr concurred with the suggestion. She asked if members had questions on any other consent agenda items. Hearing none, she requested a motion to approve consent agenda items #5A, #5B, #5C, #5D, #5E, #5F, #5G, and #5H. Mayor Berman moved, Mayor Thomas seconded, and the motion carried unanimously.

5A. Approval of the February 25, 2004 Meeting Minutes

The Regional Council, by consent, approved the February 25, 2004 meeting minutes.

5B. Red Letter Notification

The Regional Council approved the Red Letter Process in 1996 to provide early notification of potential development in planned freeway alignments. Development activities include actions on plans, zoning, and permits. Notifications will be placed on the consent agenda for information and discussion at the Transportation Review Committee, Management Committee, and Regional Council meetings. If a member wishes to take action on a notification, the item can be removed from the consent agenda for

further discussion. The item could then be placed on the agenda of a subsequent meeting for action. ADOT received 328 Red Letter notifications in the last six months of 2003, of which 90 could potentially impact the Regional Freeway System. ADOT requested plan review on an additional 88 notices that include “zoning changes and/or general plan amendments that would put future developments adjacent or very close to ADOT right of way.” Of the 90 notices received in the second half of 2003 for development in or potentially in freeway right-of-way, three were from the City of Avondale, three from the Town of Buckeye, four from the City of Chandler, fourteen from the Town of Gilbert, four from the City of Glendale, fourteen from the City of Mesa, four from the City of Peoria, twenty from the City of Phoenix, one from the City of Scottsdale, thirteen from the City of Surprise, one from the City of Tempe, and nine from Maricopa County.

5C. FY 2003-2004 Annual Transit Performance Report

The Annual Transit Performance Report is prepared and updated annually by the Valley Metro/Regional Public Transportation Authority on behalf of MAG. In addition to describing proposed transit adjustments that will occur in FY2004, the report also includes a summary of the regional transit system’s operating characteristics for FY 2003. The report was developed using input from MAG member agencies and citizen participation efforts that are normally conducted throughout the year.

5D. Amendment to the FY 2004-2007 MAG Transportation Improvement Program for Highway Projects in Gilbert, Phoenix, Scottsdale and Tempe

The Regional Council, by consent, approved an amendment to the 2004-2007 MAG TIP to transfer \$377,800 in CMAQ funds from one Town of Gilbert bicycle/pedestrian project to two others; to allow the advance design and advance purchase of right-of-way projects for the City of Phoenix to be added to the TIP; to transfer \$1,600,000 in CMAQ funds from one City of Scottsdale intersection improvement project to another; and to transfer \$317,100 in CMAQ funds from a City of Tempe pave dirt road project to a pedestrian improvement project that Tempe intends to advance construct in FY 2004. The FY 2004-2007 MAG Transportation Improvement Program (TIP) was approved by the Regional Council on November 25, 2003. Since that time, the Town of Gilbert has requested to adjust the Federal funds allocated to three adjoining canal bank multi-use path projects to split the Congestion Mitigation and Air Quality (CMAQ) funds awarded to the central project between the other two projects; the City of Phoenix has requested that they be allowed to advance design and advance purchase the right-of-way for an FY 2006 funded multi-use underpass project; the City of Scottsdale has requested to be allowed to switch funds from one intersection improvement project to another; and the City of Tempe has requested to switch \$317,000 in CMAQ funds from a pave dirt road project to a pedestrian improvement project. The Transportation Review Committee and Management Committee recommended approval of these four amendments.

5E. Recommendations to Arizona Department of Transportation for the FTA Elderly and Persons with Disabilities Transportation Program (EPDT)

The Regional Council, by consent, approved forwarding the priority listing of applicants for FTA Elderly and Persons with Disabilities Transportation Program to the Arizona Department of Transportation. The Federal Transit Administration (FTA) provides approximately \$2.1 million to the Arizona Department

of Transportation (ADOT) for capital assistance to agencies and public bodies that provide transportation services for people who are elderly and for people with disabilities. ADOT has again requested that the MAG Elderly and Persons with Disabilities Transportation Ad Hoc Committee rank the Maricopa applications for the FTA Section 5310 funding. The ranking provided by MAG is considered by ADOT in determining which applicants are to be awarded funding. This year, 16 applications for capital assistance awards, totaling 18 van requests and one radio request, were received. The Committee met March 8, 2004 to rank the applications. The Management Committee concurred with the rankings.

5F. Recommendation of Prioritized List of Proposed PM-10 Certified Street Sweeper Projects for FY 2004 CMAQ Funding

The Regional Council, by consent, approved a prioritized list of proposed PM-10 certified street sweeper projects for FY 2004 CMAQ funding and retained the prioritized list for any additional FY 2004 CMAQ funds that may become available due to year-end closeout, including any redistributed obligation authority, or additional funding received by this region from the Revenue Aligned Budget Authority provisions. The FY 2004 Unified Planning Work Program and FY 2004-2007 MAG Transportation Improvement Program contain \$1,460,000 in Congestion Mitigation and Air Quality (CMAQ) funding and the remaining \$264,879 in FY 2001 sweeper funding for the purchase of PM-10 certified street sweepers in FY 2004. PM-10 certified street sweeper projects were solicited from member agencies in the Maricopa County PM-10 nonattainment area and 14 applications requesting \$2.1 million in federal funds were evaluated. The MAG Air Quality Technical Advisory Committee recommended a prioritized list of proposed PM-10 certified street sweeper projects for FY 2004 CMAQ funding. The Management Committee concurred with the recommendation.

5G. Conformity Consultation

MAG is conducting consultation on a conformity assessment for an amendment to the FY 2004-2007 MAG Transportation Improvement Program. The amendment is necessary to incorporate revisions to existing federal aid projects, including: a Town of Gilbert CMAQ pedestrian/bicycle project at the Consolidated Canal between Baseline Road and Galveston Street, a City of Phoenix CMAQ pedestrian/bicycle project at Arizona Canal Diversion Channel and 51st Avenue, a City of Scottsdale CMAQ intersection improvement project at Hayden and Thomas Roads, and a City of Tempe CMAQ pedestrian improvement project. This item was on the agenda for consultation.

5H. Establishment of the MAG Regional Aviation System Plan Technical Advisory Committee

The Regional Council, by consent, approved establishing the MAG RASP Technical Advisory Committee, which may include multiple representatives from cities or agencies. Each MAG member agency and each non-MAG member agency represented on the Committee shall designate its one voting representative. Any city or agency on the dissenting side of a recommendation shall have the right to submit a minority report to the MAG RASP Policy Committee (for consideration). At the January Management Committee, it was recommended to reestablish the MAG Regional Aviation System Plan (RASP) Technical Advisory Committee. This Committee would provide technical input on the update of the RASP to the MAG RASP Policy Committee. Interest was expressed at the Management

Committee to allow agencies to have multiple representatives with technical expertise on aviation issues on the technical committee. Since the Management Committee, clarification on this suggestion has been requested. The recommendation before the Council for consideration would allow multiple representatives from cities or agencies to sit on the RASP Technical Advisory Committee and participate in the committee discussions. However, each MAG member agency and each non-MAG member agency on the committee will designate one voting representative. Recommendations from the Committee would be forwarded to the RASP Policy Committee upon a majority vote of the Technical Advisory Committee. A RASP Technical Advisory Committee representative on the dissenting side of a recommendation will have the right to submit a minority report to the MAG RASP Policy Committee.

5I. Requested Revision to the Strategic Planning Project (Digital Oasis Initiative)

Discussion continued on the Strategic Planning Project. Chair Feldman-Kerr asked Vice Chair Hawker if he would support the project for the revised amount of \$50,000. He replied that he would not be in favor of this project for any amount.

Chair Feldman-Kerr asked Ms. Walton to clarify the \$50,000 expenditure. Ms. Walton replied that \$50,000 had been set aside for consultant work if needed and for some marketing. She added that the \$50,000 was not a firm amount. Chair Feldman-Kerr asked if there had been any feedback from the MAGTAG committee that recommended the project. Mr. Smith replied that the MAGTAG is chaired by Greg Binder of Phoenix. He said that Mr. Binder indicated that their IT and Economic Development departments see the project as a tool to understand the strategic implications of technology and the economic development side of high-bandwidth.

Chair Feldman-Kerr asked if the tasks could be undertaken by staff up to a point without consultant cost, and at that point, a report on its value could be made to the Regional Council. Mr. Smith stated that the MAG budget includes contingency funds. He stated that staff could come back to the Regional Council if consultant assistance might be requested.

Chair Feldman-Kerr asked Vice Chair Hawker if he would support the project if no budget money was spent, and if there was a need for expenditures, that the request would come back to the Regional Council. Vice Chair Hawker stated that he agreed with the premise of fiber optic linkage in the Valley and realized the importance of a competitive workforce, but did not agree with reporting on which buildings are wired. Vice Chair Hawker stated that he did not think this project would provide anything except a map that shows buildings with fiber optics.

Mayor Berman stated that only a few buildings have fiber optics. He commented that a poll might be conducted with carriers who install high speed products.

Chair Feldman-Kerr stated that Queen Creek has fiber optics up to a point. She added that it would be valuable to know the distance needed to link up buildings from this point. Chair Feldman-Kerr commented that if this is part of the map, she did not see a problem with including the buildings. She added that it could be detrimental if roadwork and fiber optic cables were left off. Ms. Walton stated that some of that information was received through the Regional Community Network project; however,

some of the information is proprietary and difficult to obtain—some were willing to share, some were not.

Mayor Berman commented that building permits may show the wiring specifications in buildings. He said that once the cities have issued building permits, it does not seem that the information would be proprietary. Ms. Walton stated that a number of MAGTAG representatives, including Scottsdale, Phoenix, Maricopa County, Paradise Valley, Surprise, and Queen Creek, have indicated that having this information is important to them because they cannot access this complete data set elsewhere. Vice Chair Hawker commented that the difficulty is that we know there is wiring, but do not know the capacity.

Supervisor Wilson asked the composition of the MAGTAG committee. Ms. Walton replied that all member agencies are eligible voting members on MAGTAG, and although some have opted out as voting members, they still receive committee information. Ms. Walton explained that a working group proposed the project to MAGTAG, and all voted on the project.

Mayor Dunn moved to approve agenda item #5I, directing staff to complete the strategic planning project without further appropriations and if there is a need for consultant fees, to come back to the Regional Council for approval. Mayor Thomas seconded.

Chair Feldman-Kerr called for discussion on the motion. Mayor Gordon asked what would be the project's priority and would it take away from staff's other priority work? Ms. Walton replied that the project would not take precedence over priority work. She explained that staff felt that since they would be involved throughout in the management of the project, it would be more efficient for staff to do the entire job.

Mayor Gordon expressed concern that if contingency funds were needed, a request could come back to the Regional Council two-thirds of the way through the project. He said he felt this would box him in. Mayor Gordon asked Ms. Walton if she felt contingency funds would be needed. Ms. Walton replied that she thought a useful amount of work could be done without cost.

Mayor Gordon asked Mayor Dunn, maker of the motion, if he would consider amending his motion to proceed on the basis of Ms. Walton's statement, with the understanding of using staff work, which would not impede their priority work, without using funds. Mayor Dunn agreed. He commented that he felt that staff would realize relatively early in the process if there would be a need for consultant assistance. If staff felt they could produce a useful product without using contingency funds, they could go from there. Mayor Thomas, as second, concurred. The vote taken on the question passed unanimously.

6. ADOT Life Cycle Program and Statewide Program Fiscal Year 2009 Projects

Eric Anderson said that each year, ADOT in cooperation with MAG and RPTA, prepares updates for both the Five-Year Statewide Highway Construction Program for the MAG Region and the Life Cycle Program for the MAG Regional Freeway System. Mr. Anderson noted that the proposed FY 2009 Statewide Program is interim, pending the extension of the half-cent sales tax and programming of new

projects as identified in the Regional Transportation Plan. He explained that if the sales tax is extended, the Statewide Program will again need to be revised.

Mr. Anderson reported on the Bethany Home Road interchange project. He noted that the Tentative ADOT Life Cycle Program contains two listings for this project. He stated that these listings refer to the north half of the interchange only, and to be consistent with the description as it is listed in the MAG TIP, the ADOT Life Cycle Program listings need to be revised to remove the reference to the north half, which will allow the application of funds as needed to the southern half. ADOT staff have indicated support for making this change for the final ADOT Life Cycle Program.

Mr. Anderson reported on a park and ride lot and associated access planned for Maryland Avenue in the City of Glendale. He noted that ADOT staff have indicated that the Statewide program includes \$3 million in FY 2005 funding for a park and ride. This funding is linked to the project identified in the MAG TIP to provide access to the park and ride lot in Maryland Avenue. Mr. Anderson also noted that the city's participation in the Grand Avenue/59th Avenue project is still being negotiated and the amount will be modified before the Life Cycle Program is adopted. He explained that ADOT is requesting that the draft list of projects for FY 2009 and the update to the Life Cycle Program be approved by MAG for public review and comment. Chair Feldman-Kerr thanked Mr. Anderson for his report.

Chair Feldman-Kerr recognized public comment from Mr. Ryan, who referred to a brochure that he handed out to people attending Sunday on Central. Mr. Ryan requested that the eight-hour rule be discussed on the next Regional Council agenda. Mr. Ryan said that the build situation on table 416 increases pollution. He referred to page 618 of the Environmental Impact Statement that says that the trolley will make matters worse. Mr. Ryan said that the trolley cost is \$12.49 per boarding. He said that he is tired of unanimous votes at MAG. He suggested that spending 15 percent of the sales tax over the next 20 years for a project that serves a few will not help the majority. Mr. Ryan stated that improvements to Bell Road would be a benefit to everyone, but nothing is planned. Chair Feldman-Kerr thanked Mr. Ryan for his comments.

Mr. Arnett moved to approve the draft FY 2009 project list for the MAG Region Statewide Program and the update of the Life Cycle Program for the MAG Regional Freeway System for the purpose of public review and comment. Mayor Lowry seconded, and the motion carried unanimously.

7. MAG One-Hour Ozone Redesignation Request and Maintenance Plan

Lindy Bauer stated that ozone is formed by chemicals mixing in the air with minimal wind, high temperatures and sunlight, which makes it a summertime pollution problem. She noted that Maricopa County has had no violations of the one-hour ozone standard since 1996. Ms. Bauer stated that MAG is now in a position to request redesignation by the Environmental Protection Agency (EPA) to attainment status. She noted that this would require EPA to determine that the standard is attained, that EPA approve the Serious Area Plan, that EPA determine that the air quality improvement is due to permanent and enforceable reductions in emissions, that the state meets Clean Air Act requirements for the Plans, and that EPA approve the Maintenance Plan.

Ms. Bauer reviewed the 2015 volatile organic compounds and nitrogen oxide emission reductions from individual maintenance measures in the One-Hour Ozone Maintenance Plan. Ms. Bauer noted that Maricopa County is also required to have contingency measures. These contingency measures consist of the Expansion of Area A Boundaries, as defined by the Legislature, to the West. She noted that Area A includes portions of Maricopa, Pinal and Yavapai Counties. The next two contingency measures come from the vehicle inspection program and include the Gross Emitter Waiver Provision and the Increased Waiver Repair Limit. Ms. Bauer then reviewed the budgets for conformity proposes. She noted that on March 1, 2004, a public hearing was conducted on the Draft MAG One-Hour Ozone Redesignation Request and Maintenance Plan. Comments were received and presented to the Air Quality Technical Advisory Committee on March 4, 2004. Ms. Bauer stated that this item is on the agenda for action to adopt the Draft MAG One-Hour Ozone Redesignation Request and Maintenance Plan for the Maricopa County Nonattainment Area. Chair Feldman-Kerr thanked Ms. Bauer for her presentation. She asked the Council if they had questions.

Mayor Thomas asked if the redesignation is successful, what it would take to become nonattainment status again. Ms. Bauer replied that a violation of the one-hour ozone standard would result in returning to nonattainment status. She mentioned that the EPA also intends to revoke the one-hour ozone standard perhaps within one year.

Chair Feldman-Kerr recognized public comment from Mr. Ryan, who said it is necessary to differentiate between government and the real world. Vehicles are getting bigger and the area's population over the next 20-year period will increase by 100,000 annually. This will result in an increase in vehicles that consume more gasoline. Mr. Ryan questioned why the one-hour ozone standard was being discussed when the standard will be changing to the eight-hour standard. He said that we need to get rid of congestion. Mr. Ryan said that the Regional Transportation Plan includes a double-deck freeway to accommodate extra traffic. He said that the strategy is wrong and you are not trying to attract traffic to feeder streets because they are full. Mr. Ryan commented that the region needs a change in strategy to access downtown Phoenix and the airport. The present plan will not get you conformity. The trolley car in front of stations will only add to congestion. Mr. Ryan said that it is time to mix things up and get new consultants. Chair Feldman-Kerr thanked Mr. Ryan for his comments.

Chair Feldman-Kerr recognized public comment from Ms. Barker, who noted that her comments on the one-hour ozone standard had been provided in an e-mail sent earlier to MAG. She extended a "thank you" for the information provided by MAG staff. She said that she made a statement objecting to the one-hour standard, the eight-hour standard, and PM-10. She said that she has been a school bus driver and knows there are ways to get around. People should be responsible. In reference to the March 9, 2004 letter to the EPA Administrator, she commented that air quality should be a top priority not only for elected officials and planners, but for citizens, too. Ms. Barker stated that the air quality at Indian School Road and 33rd Avenue area had an effect on her mother's and sister's health. She said that the Arizona Center for Law in the Public Interest backs up her comments. Also, as mentioned in the Arizona Center for Law letter, the Maintenance Plan needs additional contingency measures. Chair Feldman-Kerr thanked Ms. Barker for her comments.

Mayor Dunn moved to adopt the MAG One-Hour Ozone Redesignation Request and Maintenance Plan for the Maricopa County Nonattainment Area. Mayor Thomas seconded, and the motion carried unanimously.

8. MAG Regional Videoconferencing System Awards

Heidi Pahl reported on the MAG Regional Videoconferencing System (RVS) Awards for calendar year 2003 accomplishments that were presented at the March 10, 2004 Management Committee meeting. Ms. Pahl stated that to recognize outstanding levels of videoconferencing usage among MAG member agencies and MAG committees, a Videoconferencing Recognition Program was created. Ms. Pahl reviewed the award winners. "Most Videoconferences by a MAG Member Agency" was awarded to the Town of Guadalupe. The "Most Videoconferences by a MAG Committee" was awarded to the Building Codes Committee. The "MAG Committee with the Most Remote Videoconference Participants" was awarded to the Management Subcommittee on 2005 Population Options. The award for the "Most Miles Saved by a MAG Member Agency" was given to Wickenburg. The award for "Best Use of Multipoint Videoconferencing" was given to Valley Metro. The award for "RVS Committee Champion" was given to the MAGTAG committee. Chair Feldman-Kerr thanked Ms. Pahl for the presentation.

9. Legislative Update

Tom Remes provided an update on five legislative bills of importance to MAG. He noted that a summary on the legislation was at each place. He reported that SB 1271, which requires that lagging left turn arrows would be required for traffic control device systems, recently failed the Senate by a vote of 20-9. HB 2049, which stipulates that political subdivision entities are eligible to participate in the Arizona State Retirement System, passed the House but has not yet been agendized in the Senate. HB 2614, establishing recreational corridor channelization districts, would impact such areas as the Agua Fria. Mr. Remes stated that this bill has been held in the House Ways and Means Committee. He advised that the bill is not expected to move this session. Mr. Remes stated that SB 1043, which requires a municipality providing tax incentives to retail business locating within the municipality to pay the Department of Commerce the total amount of the offered incentives, failed to pass the Senate by a vote of 13-14. SB 1341, which eliminates the exemption for political subdivisions from the requirement to file an affidavit of sale for real estate transactions, passed the Senate and is assigned to two committees in the House. Mr. Remes added that the affidavit of sale issue was brought forward to the Management Committee by County Assessor Kevin Ross.

Vice Chair Hawker asked the penalties for noncompliance. Mr. Remes replied that no penalties are included in the bill in its current form and municipalities would be exempt from real estate transfer fees.

10. Discussion of the Draft FY 2005 MAG Unified Planning Work Program and Annual Budget and Expenditures and Projects in the MAG Unified Planning Work Program and Annual Budget

Becky Kimbrough updated the Council on the changes that have been made to the FY 2005 MAG Work Program and Annual Budget since the presentation in February. She noted that the budget is now about 95 percent complete. Ms. Kimbrough noted that the Community Emergency Notification System

(CENS) funding has been reclassified to ongoing programs since the program started during the current fiscal year. Ms. Kimbrough stated that as a result of a comment by the Government Finance Officers Association last year, a regional program goals section has been added to the Work Program.

Ms. Kimbrough reviewed discussion on two of the new projects proposed for FY 2005. She said that the School Crossing Safety Training Workshop project was discussed with Phoenix and Mesa Public Schools. The consensus was to continue with the project. Ms. Kimbrough stated that concern had been expressed for the cost of holding the Walking and Bicycling in the 21st Century Conference. She indicated that staff has been exploring options for reducing the cost, including charging a registration fee of \$80, changing the conference to a one-day event, and partnering with RPTA and ADOT. Ms. Kimbrough noted that the cost to MAG has been reduced to \$2,800. She added that staff drafted an expense worksheet on the conference that was included in the agenda packet.

Ms. Kimbrough noted that a workshop was held on a newly proposed project, Building a Competitive Regional Community, on March 11, 2004. She noted that it was suggested at the workshop to call the project, Building a Quality Regional Community. Ms. Kimbrough noted that a placeholder has been included as input is received on the project.

Ms. Kimbrough stated that the West Valley Needs Assessment Project project will not move forward based on discussion at the West Valley Mayor's and Manager's meeting. Ms. Kimbrough stated that a stakeholders group might be formed to develop a better understanding of the West Valley's needs and try to build a basis on which to make a decision for the FY 2006 Work Program.

Ms. Kimbrough stated that the TIP includes a Safety Management System Project programmed for ADOT in FY 2005. She noted that ADOT staff recommended that MAG manage the project. She stated that it is a regional system and is likely to meet some of the requirements for reauthorization. Ms. Kimbrough noted that the state will provide the funding for this project.

Ms. Kimbrough stated that the Freeway Traffic Counts project has been proposed as a partnership with ADOT. She stated that the total cost for the project is estimated to be approximately \$1 million. The funding for this project is being discussed with ADOT. It may be necessary for MAG to contribute approximately \$300,000. Chair Feldman-Kerr thanked Ms. Kimbrough for her report and opened the floor for questions.

Vice Chair Hawker commented that having RPTA as a partner on the Walking and Bicycling in the 21st Century Conference is fundamentally the same funding source, because many MAG members are RPTA members. He suggested that the registration fee be set at a level that could make participants feel the cost to be worthwhile. Vice Chair Hawker stated that a one day conference was a good suggestion. Mr. Smith stated that the conference's focus on pedestrian and bicycle safety conforms with the major focus of safety in SAFETEA. He noted that because this region is number two in the nation for pedestrian fatalities, broad participation in the conference is desired to assist in reducing this number. Mr. Smith indicated that staff thought the fee should be at a level to draw significant participation.

11. Comments from the Council

An opportunity was provided for Regional Council members to present a brief summary of current events. The Regional Council is not allowed to propose, discuss, deliberate or take action at the meeting on any matter in the summary, unless the specific matter is properly noticed for legal action.

Mayor Berman expressed his appreciation to staff for bringing agenda item #5I to the Regional Council, when the project could have been approved in the Work Program.

Mayor Nichols reported that two weeks ago, the Town of Fountain Hills was taken off the negative watch list by Moody's.

There being no further business, the meeting adjourned at 6:30 p.m.

Chair

Secretary